

**Permitting & Assistance Branch Staff Report**  
Modified Solid Waste Facilities Permit for the  
Golden Bear Waste Recycling Center  
SWIS No. 07-AA-0056  
July 25, 2014

**Background Information, Analysis, and Findings:**

This report was developed in response to the Contra Costa County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the Golden Bear Waste Recycling Center (WRC) located in Contra Costa County and owned by West County Landfill, Inc., and operated by Golden Bear Transfer Services, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on June 26, 2014. Action must be taken on this permit no later than August 25, 2014. If no action is taken by August 25, 2014, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

**Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2006)	Proposed Permit
Permitted Operations	Transfer Station	Transfer Processing Facility

Other changes include:

1. Revisions to the following sections of the SWFP: "Findings," "Prohibitions," "Documents," "Self-Monitoring," and "LEA Conditions" including rewording additions and/or deletions for the purpose of updates and/or clarification; and
2. Submittal of a revised Transfer/Processing Report (TPR), dated June 2014, to reflect updates and current operating conditions.

**Key Issues**

The proposed modified permit will update references and conditions to current standards, clarify the terms "operating day" and "operating week," overnight storage, and incorporate the updated TPR.

**Background:**

WRC is an existing a large volume transfer/processing facility located on the closed West Contra Costa Landfill in Richmond. The facility is operating under a full Solid Waste Facilities Permit issued on February 28, 2006.

**Findings:**

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated June 26, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on February 24, 2011. The LEA provided a copy to the Department on February 28, 2011. The changes identified in the review are reflected in this permit modification.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on June 26, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on June 26, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated July 9, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on July 25, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on June 26, 2014, that the proposed permit is consistent with and supported by the existing	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	CEQA documentation. See the Environmental Analysis below for details.	
21650(g)(5) Public Notice and/or Meeting, Comments	No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on July 25, 2014, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2010 - 2014 (May) - No violations were noted.
- 2009 - (April) one violation of PRC Section 44014(b) – Operator Complies with Terms and Conditions, and (May and June) two violations of 14 CCR Section 18221.6 – Transfer/Processing Report Requirements.

All violations were corrected to the satisfaction of the LEA.

### **Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Contra Costa Community Development Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: updating outdated references, along with other changes in the Findings, Documents, Self-Monitoring and Conditions sections of the permit, and incorporate the amended Transfer Processing Report to reflect current operating conditions, including clarification to the terms “operating day” and “operating week” and overnight storage. These changes are supported by the following environmental document.

An Environmental Impact Report (EIR), State Clearinghouse No. 2002102057, was circulated for a 45 day comment period from November 5, 2003, to December 19, 2003. The EIR identified significant impacts to the environment. The Final EIR, together with the Statement of Overriding Considerations, was certified by the Lead Agency on July 13, 2004.

Department staff further recommends the Final Environmental Impact Report, with all other CEQA documents adopted by the LEA is adequate for the Branch Chief’s environmental evaluation of the proposed project for those project activities which are within the Department’s expertise and/or powers, or which are required to be carried out or approved by the Department.

The Contra Costa Environmental Health Department (LEA) has provided a finding that the proposed modified SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final Environmental Impact Report as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the Final Environmental Impact Report adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department’s administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on July 15, 2014. No comments have been received by Department staff.